

CHAPTER NO. 756

HOUSE BILL NO. 3055

By Representative Hargrove

Substituted for: Senate Bill No. 3040

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 6, Chapter 53, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-2-109(a), is amended by deleting the last sentence and substituting instead the following:

The administrator shall be empowered to update an existing registration until no later than five (5) days before an election to place it within the correct precinct in the county when a voter changes address through the process described in Section 2-7-140.

SECTION 2. Tennessee Code Annotated, Section 2-2-115(b)(3), is amended by deleting from the fifth sentence the words "and post such list monthly in the courthouse within such county".

SECTION 3. Tennessee Code Annotated, Section 2-2-138(b), is amended by adding after the first sentence, the following sentence:

This list shall be available to any person who certifies on a form provided by the state election commission that such list will be used for political purposes.

SECTION 4. Tennessee Code Annotated, Section 2-3-109(e)(1), is amended by adding the words and punctuation ", by absentee ballot" following the word "early" and before the word "or".

SECTION 5. Tennessee Code Annotated, Section 2-3-109(e)(2)(B), is amended by adding the words "by absentee ballot or" following the word "vote" and before the word "during".

SECTION 6. Tennessee Code Annotated, Section 2-3-204(b), is amended by adding the words and punctuation ", any regularly scheduled municipal election" after the words "November election" and before the word "or".

SECTION 7. Tennessee Code Annotated, Section 2-4-103, is amended by adding the following appropriately designated subsection:

() Notwithstanding any other provision of law to the contrary, a county election commission may appoint as an election official a person who has reached the age of seventeen (17) and who meets all other requirements to serve.

SECTION 8. Tennessee Code Annotated, Section 2-5-101(a)(3), is amended by deleting the subsection in its entirety and substituting instead the following:

(3) Candidates in municipal elections shall file their nominating petitions no later than twelve o'clock (12:00) noon, prevailing time, on the third Thursday in the third calendar month before the election.

SECTION 9. Tennessee Code Annotated, Section 2-5-208(c)(1), is amended by deleting the words and punctuation "(D) Public Service Commissioner;" and by redesignating the remaining subdivisions accordingly.

SECTION 10. Tennessee Code Annotated, Section 2-5-208(c)(1), is further amended by adding an appropriately numbered subdivision "() Public Defender;" after the words "District Attorney General" and by renumbering the remaining subdivisions accordingly.

SECTION 11. Tennessee Code Annotated, Section 2-5-208(c)(1), is further amended by adding an appropriately numbered subdivision "() Juvenile Court Judge;" after the words "General Sessions Judge;" and by renumbering the remaining subdivisions accordingly.

SECTION 12. Tennessee Code Annotated, Section 2-10-102(11)(B), is amended by deleting the words and punctuation "Public Service Commissioner;"

SECTION 13. Tennessee Code Annotated, Section 2-7-104(a), is amended by adding the words "second working" after the words "of the" and before the word "day" in the last sentence of the subsection.

SECTION 14. Tennessee Code Annotated, Section 2-7-115(a), is amended by deleting the word "an" from the second sentence and substituting instead "a state primary or general election or federal primary or general".

SECTION 15. Tennessee Code Annotated, Section 2-13-203(d), is amended by deleting the words and figures "fifteen (15) days" and substituting instead the words and figures "thirty (30) days".

SECTION 16. Tennessee Code Annotated, Section 6-53-101(a) is amended by deleting the words "sixty (60) days and no more than seventy-five (75) days" and by substituting the words "ninety (90) days".

SECTION 17. Tennessee Code Annotated, Section 2-5-206(c), is amended by deleting from the first sentence the words "listed in Section 2-13-202".

SECTION 18. Tennessee Code Annotated, Section 2-11-202(a)(12), is amended by adding the words "to an office for which such person is ineligible or" after the word "elected" and before the words "to more".

SECTION 19. Tennessee Code Annotated, Title 2, Chapter 10, Part, 1 is amended by adding the following as a new appropriately designated section:

2-10-1___. The county election commission has the authority to forward information regarding violation of disclosure laws by candidates for local public office to

the district attorney general for investigation without the necessity of a sworn complaint from a registered voter as provided by §2-10-108.

SECTION 20. Tennessee Code Annotated § 2-14-201 is amended by deleting the section in its entirety and by substituting instead the following:

(a) If twelve (12) months or more remain prior to the next general election for members of the general assembly and the seat of a member of either house becomes vacant, a successor shall be elected pursuant to Tennessee Code Annotated § 2-14-202 (a)-(c) by the qualified voters of the district in which the vacancy occurred. The successor shall serve the remainder of the original term.

(b) If a vacancy occurs with more than two (2) years remaining in a term in the state senate, but less than twelve (12) months prior to the next general election for members of the general assembly, then a successor shall be elected pursuant to Tennessee Code Annotated § 2-14-202 (d) by the qualified voters of the district in which the vacancy occurred. The successor shall serve the remainder of the original term.

SECTION 21. Tennessee Code Annotated § 2-14-202 (a) is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) If twelve (12) months or more remain prior to the next regular election for members of the general assembly, the governor shall, by writs of election, order a special election to fill such vacancy.

SECTION 22. Tennessee Code Annotated § 2-14-202 (d) is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) (1) If a vacancy occurs in the state senate in a seat with more than two (2) years remaining in the term, but less than twelve (12) months before the next general election for members of the general assembly, candidates for the primary elections and independent candidates shall qualify at the regular qualifying deadline for state elections.

(2) If a vacancy as described in (d) (1) occurs after the seventh day before the regular qualifying deadline for statewide offices, candidates for the primary elections and independent candidates shall file the necessary qualifying petitions before twelve o'clock (12:00) noon, prevailing time, on the sixth Thursday before the day of the primary election. Any candidate wishing to withdraw shall do so before twelve o'clock (12:00) noon, prevailing time, on the fourth day after the qualifying deadline.

(3) If a vacancy as described in (d) (1) occurs after the sixth Thursday before the primary election, the members of the county executive committees who represent the precincts composing such senate district may nominate a candidate to appear on the November election ballot by any method authorized under the rules of the party. The procedure to be followed by an executive committee shall be the same as set forth in § 2-13-204 (b) (4). Persons so chosen shall be certified to every county election commission wholly or partially in the district by twelve o'clock (12:00) noon, prevailing time, on the forty-fifth day prior to the regular November election. Independent candidates shall qualify by filing petitions as provided for in § 2-5-104 by twelve o'clock (12:00) noon, prevailing time, on the forty-fifth day prior to the regular November

election. Any candidate wishing to withdraw shall do so before twelve o'clock (12:00) noon, prevailing time, on the fourth day after the qualifying deadline.

(4) If a vacancy as described in (d) (1) occurs within forty-five days of the next general election for legislators, the candidate receiving the highest number of write-in votes at such election shall be elected.

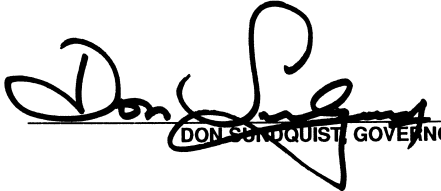
SECTION 23. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 8, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 2000


DON SUNDQUIST, GOVERNOR